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JCS 872 U.S. PTO

Docket # PF-0223-2 CON

JCS 872 U.S. PTO  
10/023929  
12/17/01

"Express Mail" mailing label number EL 856 173 675 US. I hereby certify that this document and referenced attachments are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10, addressed to: Commissioner for Patents, Box Patent Application, Washington, D.C. 20231 on December 17, 2001

By: Nancy Ramos  
Printed: Nancy Ramos

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
REQUEST FOR FILING A PATENT APPLICATION UNDER 37 CFR 1.53(b)

Commissioner for Patents  
Box Patent Application  
Washington, D.C. 20231

Dear Sir:

This is a request for filing a **CONTINUATION** application under 37 CFR 1.53(b) of pending prior U.S. application Serial Number 09/205,449, filed December 4, 1998, which is a divisional of U.S. application Serial Number 08/805,965, filed February 25, 1997, now U.S. Patent No. 5,851,774, issued December 22, 1998, both entitled NOVEL HUMAN MLF3 PROTEIN.

1.  Enclosed is a specification corresponding to the prior application, U.S. application Serial Number 09/205,449, filed December 4, 1998, which is a divisional of U.S. application Serial Number 08/805,965, filed February 25, 1997, now U.S. Patent No. 5,851,774, issued December 22, 1998, including the oath or declaration as originally signed. The specification does not contain any subject matter that would have been new matter in the prior application.
2.  With regard to the requirement of 37 CFR 1.821(e) which requires that a copy of the Sequence Listing in computer readable form (CRF) be submitted, Applicants state that the paper copy of the Sequence Listing for the instant continuation application is identical with the computer readable form filed with Serial No. 08/805,965, filed February 25, 1997, to which priority is claimed. In accordance with 37 C.F.R. §1.821(e), please use the computer readable form filed with U.S. application Serial No. 08/805,965 as the computer readable form for the instant continuation application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant continuation application.

3.  Cancel in this application original claims 21-57 before calculating the filing fee, without prejudice or disclaimer. Applicants submit that these claims were included in the application as filed in the interest of providing notice to the public of certain specific subject matter intended to be claimed, and are being canceled at this time in the interest of reducing filing costs. Applicants expressly state that these claims are not being canceled for reasons related to patentability, and are in fact fully supported by the specification as filed. Applicants expressly reserve the right to reinstate these claims or to add other claims during prosecution of this application or a continuation or divisional application. Applicants expressly do not disclaim the subject matter of any invention disclosed herein which is not set forth in the instantly filed claims.

4.  The inventor(s) of the invention being claimed in this application is (are): Jennifer L. Hillman and Surya K. Goli.

5.  In accordance with 37 CFR 1.63(d) a copy of the originally signed declaration showing applicant's/applicants' signature(s) as filed on June 17, 1997, is enclosed.

6.  Amend the specification by inserting after the title: "This application is a continuation application of U.S. application serial number 08/805,965, filed February 25, 1997, all of which applications and patents are hereby incorporated herein by reference."

7.  The filing fee is calculated below:

Claims	Number Filed	Minus	Number Extra	Other Than Small Entity Rate		Basic Fee \$740.00
				Fee	Fee	
Total Claims	20	-20	0	x \$18		\$ 0
Indep. Claims	2	-3	0	x \$84		\$ 0
<u>Multiple Dependent Claim(s), if any</u>				+\$280		\$ 0

**TOTAL FILING FEE \$ 740.00**

8.  An extension of time in the above-named prior application has been requested and the fees therefore have been authorized in said application.

9.  Please charge Deposit Account No. 09-0108 in the amount of \$ 740.00.

The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account No. 09-0108.

A duplicate copy of this Request is enclosed.

10.  Submission of Formal Drawings (2 pp.), and eleven (11) sheets of Formal Drawings (Figs. 1A, 1B, 1C, 1D, 2A, 2B, 3A, 3B, 3C, 4A and 4B), are enclosed.

11.  The prior application is assigned of record to Incyte Pharmaceuticals, Inc., recorded on June 20, 1997, at reel 8573/frame 0807.

12.  A preliminary amendment is enclosed.

13.  Also enclosed: Return Postcard; Information Disclosure Statement (2 pp.); and List of References Cited by Applicant (PTO-1449) (2 pp.).

14.  The power of attorney of the prior application is to:

<b>Lucy J. Billings</b>	<b>Reg. No. 36,749</b>
<b>Michael C. Cerrone</b>	<b>Reg. No. 39,132</b>
<b>Diana Hamlet-Cox</b>	<b>Reg. No. 33,302</b>
<b>Richard C. Ekstrom</b>	<b>Reg. No. 37,027</b>
<b>Barrie D. Greene</b>	<b>Reg. No. 46,740</b>
<b>Matthew R. Kaser</b>	<b>Reg. No. 44,817</b>
<b>Lynn E. Murry</b>	<b>Reg. No. 42,918</b>
<b>Shirley A. Recipon</b>	<b>Reg. No. 47,016</b>
<b>Susan K. Sather</b>	<b>Reg. No. 44,316</b>
<b>Michelle M. Stempien</b>	<b>Reg. No. 41,327</b>
<b>David G. Streeter</b>	<b>Reg. No. 43,168</b>
<b>Stephen Todd</b>	<b>Reg. No. 47,139</b>
<b>Christopher Turner</b>	<b>Reg. No. 45,167</b>
<b>P. Ben Wang</b>	<b>Reg. No. 41,420</b>

The associate power of attorney in the prior application is to:

a.  A Revocation of Power of Attorney and Appointment of New Attorneys is attached (2 pp.).

b.  Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

c.  Address all future correspondence to:

INCYTE GENOMICS, INC.  
PATENT DEPARTMENT  
3160 Porter Drive  
Palo Alto, California 94304  
Phone: (650) 855-0555, Fax: (650) 845-4166

Date: 17 Dec 2001

By:   
Diana Hamlet-Cox  
Reg. No. 33,302  
Direct Dial Telephone: (650) 845-4639

Inventor(s)  
 Assignee of complete interest  
 Attorney or agent of record  
 Filed under 37 CFR 1.34(a) \_\_\_\_\_  
Registration number if acting under 37 CFR 1.34(a) \_\_\_\_\_

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By: Nancy Ramos

Printed: Nancy Ramos

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Hillman et al.

Title: NOVEL HUMAN MLF3 PROTEIN

Serial No.: To Be Assigned Filing Date: Herewith

Examiner: To Be Assigned Group Art Unit: To Be Assigned

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**Official Draftsman**

Commissioner for Patents  
Washington, D.C. 20231

**SUBMISSION OF FORMAL DRAWINGS**

Sir:

Transmitted herewith are Figure(s) 1A, 1B, 1C, 1D, 2A, 2B, 3A, 3B, 3C, 4A and 4B, as eleven (11) sheets of formal drawings for this application. Each sheet of drawing indicates the identifying indicia suggested in 37 CFR Section 1.84(c) on the top of the drawing.

Applicants believe that no fee is due with this paper. However, if the Commissioner determines that a fee is necessary, the Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. **09-0108**.

If there are any questions regarding the above, the Examiner is invited to call the undersigned at

650-855-0555.

Respectfully submitted,  
INCYTE GENOMICS, INC.

Date: 17 Dec 2001

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